

### **REMARKS**

The rejection of independent claim 1, as anticipated by Kingsland et al. USPGPUB 2004/0182879, is respectfully traversed. As amended, claim 1 calls for the dosing dispenser 1 to have a tubular section 11 with a passage channel that is not found in Kingsland et al. The item the examiner designates as a passage channel 24 in Kingsland et al. is, in reality, a partition or diaphragm that separates an interior of a container 12, 14 from an accommodating chamber 38 in which contents bodies are positioned before being discharged through an opening of the accommodating chamber 38. This chamber 38, which has the shape of a cylindrical channel, corresponds to the accommodating chamber 13 of the dosing dispenser of applicants' invention. Retaining cams 12, which correspond to the bars 42 of Kingsland et al., are positioned at the entrance leading into the accommodating chamber 13 of the present invention.

Applicants' Figs. 3 and 4 show that the passage channel through the tubular section 11, in which contents bodies are arranged in a row before they pass, only one at a time, into the accommodating chamber 13, is positioned in front of the retaining cams 12 and the accommodating chamber 13. The teachings of Kingsland et al. do not contemplate such an arrangement of structure.

This passage channel of the tubular section 11 is a very essential feature of applicants' invention, because the outer surfaces of the contents body are, in general, not completely smooth, with the result that contents bodies adjacent one another may

get "hooked or entangled", as stated in the first paragraph of page 1 of applicants' specification.

According to claim 7, the tubular section 11, that forms the passage channel, is attached to an inner wall 15 of the operating section 4 at a distance from the exit opening 6.

According to claim 9, the tubular section 11 includes at least one slot extending in the axial direction, so that it comprises at least two circumferential sections that are movable relative to each other.

This configuration of the tubular section 11 and its passage channel has the effect that after release of the dispenser (and discharge of a contents body) a shaking effect can be observed along the passage channel, whereby the adjacent contents bodies that might otherwise get hooked with one another on their outer surfaces are shaken free so that, depending on the position of the container, they either fall back into the container (not shown in the drawings) or can move up for a subsequent dosing operation in the passage channel towards the exit opening 6 (see also the paragraph bridging pages 7 and 8).

In view of the foregoing, it is submitted that the structure now required by amended independent claim 1 is neither anticipated by nor obvious in view of the teachings of Kingsland et al. For example, Kingsland et al. do not have the tubular section having the passage channel that is attached at a distance from the dosing dispenser exit opening to an inner wall of an operating section, with two retaining

cams on the end of the tubular section being oriented towards the exit opening, nor does Kingsland et al. have such a tubular section that is cut open in axial direction, so that the tubular section comprises at least two circumferential sections that are movable relative to each other.

It therefore is respectfully submitted that independent claim 1 is allowable over Kingsland et al.

Claims 2-12 depend from independent claim 1 and are allowable for the same reasons. In addition, these claims distinguish over Kingsland et al. in their own right. For example, claim 4 requires the dosing dispenser 1 to have an annular plug 2 for insertion into an accompanying container, along with a circular lateral projection 3 for resting on an upper edge of an opening to the container; claim 5 calls for two axially extending grooves 9 to be on an outside of a circumferential wall of the operating section in a plane bisecting the exit opening 6 in width; in claim 6 the dosing dispenser is said to have two grooves 10 formed on an outside of a face wall 5 of the operating section 4 along a line that bisects the exit opening 6 in width direction; according to claim 8 there is a free annular space 16 between the inner wall 15 of the operating section 4 and an outer wall of the tubular section 11; and claim 12 calls for the combination of the dosing dispenser and container, and requires a cap having an inwardly projecting pin that projects into the exit opening 6 of the dosing dispenser in a state where the cap is mounted on a neck of the container.. The subject matters of dependent claims 5, 6, 8 and 12 is not found in Kingsland et al.

This application originates from the PCT application WO 20041083073 A1, and it is applicants' understanding that the prior art listed in the International Search Report is considered as disclosed. However, applicants became aware of DE 298 07 492 U1, US 3,481,513 and GB 821,070 from the German examination procedure. In both the German examination procedure and in the examination procedure of the corresponding European patent application, these documents did not present a bar to the grant of a patent with a main claim similar in scope to amended independent claim 1. These three documents, copies attached, are listed in the accompanying IDS and are submitted to be not relevant to the patentability of the subject invention.

DE 298 07 492 U1 is concerned with a discharging device for tablets of a uniform size, e.g., sweetener tablets. This prior-art tablet dispenser is provided at the lower end of a drop chute 16 with two opposite projections 23a and 24b on tongues 29 connected via connection webs 22 to the inner wall of the lower housing part 12 of the tablet dispenser. If this housing part 12 is laterally compressed on grip sections 18 or 20, the tongues 23, with the projections 23a and 23b, are drawn away from each other, so that the tablet which has rested on the projections up to that time can fall downward. The tongues 29, which are arranged as shown in Fig. 2, are simultaneously pressed towards each other via connection arms 26 that are mounted on the tongues and the inside of the housing part, so that they clamp a subsequent tablet therebetween and prevent it from falling out of the released opening of the drop chute. A shaking effect

as takes place in the dosing dispenser of applicants' invention does not occur on the tongues 29 because they are firmly connected to the wall of the housing part 12.

US 3,481,513 and GB 821,070 disclose dosing dispensers for discharging contents bodies having a spherical shape. In the case of the subject matter of the US patent, the contents bodies pass one after the other through two walls 23 and 33 that are provided with slots 24 and 34 and arranged one on top of the other on condition that these slots are correspondingly expanded by exerting a lateral pressure. This is done in two successive steps, the dispenser being rotated by 90° before the second compression.

GB 821,070 discloses a dosing dispenser in which a retaining wall (B) projecting into the interior of a tubular body is pivoted by lateral compression such that the outlet opening becomes large enough for the passage of a ball, with a molded-on retaining cam (Y) stopping the subsequent spherical body at the same time.

None of these three prior art documents discloses the subject matter of independent claim 1 and its dependent claims 2-12.

In view of the foregoing, and as all of the claims appear to be allowable, favorable reconsideration and early passage of the application to allowance are respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Lloyd". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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